

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 878 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? -
2. To be referred to the Reporter or not? -
3. Whether Their Lordships wish to see the fair copy of the judgement? -
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? -
5. Whether it is to be circulated to the Civil Judge?

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LAXMIBEN N VORA WD/O N H VORA

Versus

STATE OF GUJARAT

Appearance:

MR YS MANKAD with MR RS SANJANWALA for Petitioner
MR CC BHALJA, AGP for Respondens.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 11/09/98

ORAL JUDGEMENT

Heard learned counsel for the parties.

2. This petition has been filed for quashing the order dated 22-7-1987 of the Collector Kutch whereby premium has been prescribed at the rate of Rs. 20/- per sq. mtr. in respect of the land bearing S. No. 984 situated at Anjar for the purpose of non-agriculture use. That order has been confirmed in revision by the

Additional Chief Secretary (Appeals) dated 20-7-1988.

3. Learned counsel for the petitioner submitted that the land in question is for the development scheme and he has to pay the amount of premium fixed by the Collector but the area which has been left for roads and public place for the public use should be deducted. The prayer of the learned counsel for the petitioner appears to be genuine.

3. The Collector, Kutch, after ascertaining and deducting actual area left for the public use which is the for road or any site shown in the map which has been submitted by the petitioner before the Collector, is directed to accept the amount of the premium prescribed by the Collector, within a month. Meanwhile, the petitioner is at liberty to move the collector for ascertaining the land excluding the land which is being used as road or public site and accept the premium of the rest of the land which is to be used by the private persons.

4. The impugned orders of the Collector and the Additional Chief Secretary (Appeals) are hereby quashed and set aside and the Collector, Kutch will permit the petitioner to deposit the amount of premium after excluding the premium of the land to be used roads and public sites at the rate which is to be determined by him. The Collector, Kutch will also issue Non-Agriculture permissin to the petitioner.

5. With the above observations, this petition stands disposed of. Rule is discharged. Interim order, if any, stands vacated.

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